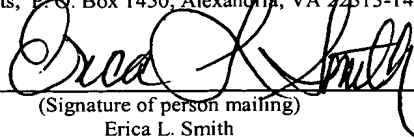


I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Hon. Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on this 3rd day of September, 2004.

By

  
(Signature of person mailing)

Erica L. Smith

(Typed or printed name of person)

**Examining Group 1624**  
Patent Application  
Docket No. PC11812A

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
ROBERT L. DOW, et al.

Serial No.: 10/086,588  
Filed February 28, 2002

For: BETA 3 AGONISTS AND USES  
THEREOF

Group Art Unit: 1624

Examiner: COLEMAN, BRENDA  
LIBBY

**DECLARATION OF ROBERT L. DOW**  
**UNDER 37 C.F.R. §1.132**

I, Robert L. Dow, declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code and such willful false statements may jeopardize the validity of the application or any patent issuing thereon; and I further declare that:

1. I received a PhD degree from Harvard University in 1985;
2. From October, 1985 to present I have been and continue to be employed at Pfizer Inc., assignee of the above-referenced application;
3. I presently hold the title of Research Fellow in the Discovery Group of the Pfizer Global Research and Development Division in Groton, Connecticut;

4. I am a co-inventor of the above-referenced patent application;

5. I am also an inventor of US Patent No. 5,977,124;

6. I hereby submit that the data presented in Exhibit 1 was generated using the functional assay described in US Patent No. 5,977,124 column 28, lines 45 through 67;

7. In support of the unobviousness of the invention as claimed in the above-referenced patent application, I hereby submit that the data presented in Exhibit 2 was generated using the functional assay, Assay 1, described in the specification of the above-referenced patent application on page 63, lines 5 through 28; and

8. The attached Exhibits establish and evidence the improved efficacy for the compounds disclosed and claimed in the above-referenced patent application relative to the compounds disclosed and claimed in US Patent No. 5,977,124.

September 3, 2004 Robert L. Dow  
Date Robert L. Dow

State of Connecticut  
County of New London

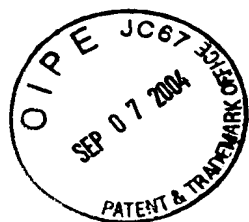
Subscribed and sworn to (or affirmed) before me  
this 3<sup>rd</sup> day of September, 2004 by

Robert L. Dow

Name of Signer

**ERICA L. SMITH**  
**NOTARY PUBLIC**  
MY COMMISSION EXPIRES 12/31/04

Erica L. Smith  
Signature of Notary Public



## EXHIBIT 1

**$\beta_3$  Adrenergic Receptor Agonist Functional Data  
for compounds disclosed in US Pat. No. 5,977,124**

Example	EC <sub>50</sub> ( $\mu$ M)
1e	0.182
2e	6.16
3e	1.1
4d	0.6

## EXHIBIT 2

**$\beta_3$  Adrenergic Receptor Agonist Functional Data  
for compounds disclosed in US Pat. Application Serial No. 10/086,588**

Example	EC <sub>50</sub> ( $\mu$ M)
2F	0.01
2G	0.004
2L	0.007
2LL	0.008